



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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Ref: EPR-N

SEP 18 2009

Marian Atkins, Field Manager  
Bureau of Land Management  
South Dakota Field Office  
310 Roundup Street  
Belle Fourche, SD 57717-1698

Re: Dewey Conveyor Project Draft EIS  
CEQ # 20090257

Dear Ms. Atkins:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. 4232(2)(c), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609, the U.S. Environmental Protection Agency (EPA) Region 8 has reviewed the *Dewey Conveyor Project Draft Environmental Impact Statement* (DEIS). Section 309 of the Clean Air Act directs EPA to review and comment in writing on the environmental impacts of any major federal agency action. EPA's comments include a rating of the environmental impact of the proposed action and the adequacy of the NEPA document.

The DEIS's Alternative A - Proposed Action (the Preferred Alternative) consists of a 6.6 mile long, above-ground enclosed conveyor system to transport approximately 4,000 tons per day of limestone from a future quarry to a new rail load-out facility along an existing rail line near Dewey, South Dakota. A one-lane service road and access points would also be included in the project. The proposed action requires GCC Dacotah, Inc. (GCC Dacotah) to seek approval of an Application for Transportation and Utility Systems and Facilities on Federal Lands for a 100-foot wide right-of-way (ROW) for the conveyor to cross 1.1 miles of lands administered by the Bureau of Land Management (BLM), and a special use permit from the U.S. Forest Service for the conveyor to cross 1.4 miles of National Forest Land on the Black Hills National Forest.

The DEIS, prepared by the BLM in cooperation with the Forest Service, analyzes three alternatives to the Proposed Action, including a No Action Alternative (Alternative B), Alternative C that involves hauling limestone by truck by use of an existing county road, and Alternative D that proposes constructing new haul roads along most of the ROW with some use of existing roads. None of these three alternatives include the construction of a conveyor system.

GCC Dacotah plans to mine approximately 4,000 tons of limestone daily for 250 days annually, resulting in approximately 1 million tons of mined limestone per year. The future

quarry site as described by the DEIS will be located mainly on private property, the majority of which is owned (both surface and mineral rights) by GCC Dacotah. Although the location does include some BLM land in the area, the DEIS discloses that "GCC Dacotah has no near-term intention to mine on lands for which the federal government owns the surface; and a proposal to do so would require NEPA analysis of the proposed mining operation by the agencies involved in accordance with federal regulations" (DEIS page 1). However, because the DEIS identifies the quarry as a connected action, a thorough evaluation of the quarry should be included in the DEIS. Although some discussion is included in the DEIS regarding the quarry, there is insufficient information to fully assess the nature and extent of the environmental impacts associated with this connected action.

EPA has concerns regarding environmental impacts associated with this project, and believes more mitigation information is needed in certain areas. Based on the document review, EPA is primarily concerned with the lack of air quality analysis. Additionally, EPA believes more information should be disclosed in the EIS regarding determination of, and potential impacts to, water resources. Specifics regarding these concerns are outlined in the Detailed Comments section enclosed with this letter.

Consistent with Section 309 of the Clean Air Act, it is EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project and the adequacy of the information in the DEIS. In accordance with our policies and procedures for reviews under NEPA and Section 309 of the Clean Air Act, EPA is rating this DEIS an "EC-2" (EC - Environmental Concerns, 2 - Insufficient Information). This rating means that our review identified environmental impacts that should be avoided in order to fully protect the environment and the DEIS lacked sufficient information and analysis to fully assess and mitigate all potential impacts of the project. In addition to EPA's detailed comments on the DEIS, a full description of EPA's EIS rating system is enclosed.

We appreciate the opportunity to participate in the review of this project, and value BLM's willingness to resolve these matters prior to the issuance of the FEIS. If we may provide further explanation of our concerns during this stage of your planning process, please contact me at 303-312-6004, or Melanie Wasco of my staff at 303-312-6540.

Sincerely,



Larry Svoboda  
Director, NEPA Program  
Ecosystems Protection and Remediation

Enclosures



## **Detailed Comments by the US EPA R8 Dewey Conveyor Project Draft EIS**

### **Air Quality**

#### **General**

The Dewey Conveyor Project would transport 4,000 tons per day of limestone ore from a future quarry operation to a rail spur located in the town of Dewey, South Dakota. The ore would then be rail transported to Rapid City, South Dakota, which is home to the GCC Dacotah Portland Cement facility. The future quarry operation appears to be located approximately 28 miles from the Wind Cave and approximately 54 miles from Badlands National Parks, which are both Federal Class I areas. Federal Class I areas under the Clean Air Act require special protection of air quality and air quality related values (AQRV's), such as visibility. There are no non-attainment areas near the project area.

Construction emissions associated with the conveyor system would include emissions from the construction of an unpaved access road and assembly of the conveyor system. Production emissions would include emissions from the unpaved access road, conveyor system transfer point locations, open storage piles and on loading and offloading of the conveying system. Connected action sources include the limestone quarry and subsequent mining activities that would likely have significant particulate emissions.

The DEIS does not quantify the construction or production emissions for the project. No air impact analysis is presented in the DEIS. Without this information, EPA is unable to determine the impacts from the projects emissions on the Class I areas and other nearby areas. The BLM should present an emission inventory for the project that includes all relevant pollutants for both construction and production phases for both the conveyor and quarry operations. Because the emissions from the quarry operations may be considerable, we believe the BLM should conduct an air analysis for the project that includes the quarry activities. This analysis would include direct, indirect and cumulative determinations of all the criteria pollutants (except ozone), Prevention of Significant Deterioration (PSD) increments and the AQRVs, such as days of visibility impairment, deposition and acid neutralizing capacity if necessary on the Class 1 areas of Wind Cave and Badlands National Parks. If adverse impacts are determined, a mitigation strategy should be specified and reported in the EIS. We recommend the establishment of an air quality workgroup to coordinate appropriate stakeholders to discuss these issues and develop an air quality modeling protocol.

#### **Detailed Comments**

Table 3-6 contains PM<sub>2.5</sub> and PM<sub>10</sub> summary information for the Wind Cave National Park monitoring site. A much more detailed air quality summary should be provided in the section with data from the Wind Cave monitoring site (air quality) and Interagency Monitoring of Protected Visual Environments (visibility) measurements.



Please refer to the following links for recent monitored data.

<http://www.epa.gov/air/data/index.html>

<http://www2.nature.nps.gov/air/monitoring/ads/adsreport.cfm>

<http://vista.cira.colostate.edu/views/>

<http://nadp.sws.uiuc.edu/>

## **Water Quality**

### **Wetlands, Riparian Areas and Surface Water**

The DEIS explains that the Project Area for the conveyor system has approximately 5.8 miles of intermittent streams, with 2.6 acres of wetland habitat (1.3 acres of emergent wetland and 1.3 acres of open water pond). Page 61 of the DEIS states that the "Proposed Action would not result in any alteration of the 2.6 acres of wetlands." It further explains that "if construction activities occur in close proximity to any wetlands appropriate sediment control actions such as silt fencing and other BMPs would be implemented before the onset of ground disturbances" (DEIS page 61). According to Figure 3-8 in the DEIS, it appears there are at least two areas where the proposed conveyor ROW path is in close proximity to wetlands. EPA recommends that an adequate wetland buffer zone be established to avoid inadvertent construction impacts.

EPA noted that the identification of wetlands was done using National Wetlands Inventory (NWI) maps rather than actual field surveys. EPA recommends that a field inventory of both jurisdictional and non-jurisdictional wetlands is conducted when the final alignment of the chosen alternative is determined. We request that any wetlands, jurisdictional or non-jurisdictional, that will be impacted are fully mitigated in accordance with Executive Order 11990 as applicable.

EPA is also concerned that the connected action impacts may not have been fully quantified. It appears there are drainages occurring in the potential mining area. It is not clear if the NWI mapping was used to determine and confirm that potential wetlands and other waters of the United States are not present in these areas. The DEIS discusses applicability of the Total Maximum Daily Loads (TMDLs) developed by the South Dakota Department of Environment and Natural Resources (DENR) to impacts expected to arise from the proposed quarrying operation. The DENR has developed standards for all expected contaminants for the Cheyenne River Basin as a whole. Pass Creek, which is part of the Cheyenne River Basin, is discussed specifically, but impacts to wetlands are not covered for the proposed quarry. Because the DEIS is unclear about whether or not there are wetlands within the proposed quarry area, there is a need for the connected action discussions to clarify whether there are potential impacts to water resources within the mining area. Field surveys should be conducted prior to the finalization of the mining plans to ensure that no waters of the United States are impacted, or if the impacts are unavoidable, that they are fully permitted and mitigated. In addition, we recommend that the owner of the quarry contact the U.S. Army Corps of Engineers to discuss whether a Clean Water Act Section 404 permit is required for the proposed quarry.

Although the Preferred Alternative involves minimal road construction, page 108 of the DEIS states that impacts on surface water bodies from sediment runoff due to roads and general



construction activities are expected. Some mitigation details are included in the DEIS, and GCC Dacotah's Storm Water Pollution Plan (SWPP) is referenced, however EPA recommends that the SWPP be included in its entirety as an EIS appendix to fully disclose all mitigation options. Monitoring practices should also be in place so that impacts can be evaluated and managed. EPA encourages routine inspections to assess conditions on roads, as well as conditions along the conveyor system within the ROW, that may cause or contribute to sediment delivery and stream impairment.

Additionally, within the ROW, there are three areas of Class A floodplains that encompass approximately 124 acres. EPA recognizes that GCC Dacotah has committed to "wherever practicable, elevate structures about the base flood level rather than filling in land" (DEIS page 109). In order to prevent direct impacts, EPA would prefer a strict prohibition on placing new structures and access roads in floodplains, wetlands and riparian areas.

#### Groundwater Quality

The DEIS adequately documents that groundwater is not near the surface at the proposed quarry location and therefore should not be impacted by the quarrying activity. The outcrops proposed for quarrying are recharge areas for the Minnekahta Limestone. Recharge areas are usually vulnerable to impacts of surface spills. However, in this case there is a very large unsaturated zone above the potentiometric surface in the Minnekahta (USGS estimates about 6 miles downgradient from the outcrop in this area).

The quarry depth would not be greater than about 50 feet below the ground surface (the thickness of the Minnekahta at the proposed quarry site). Groundwater is about 1,000 feet below ground surface and occurs in the Minnelusa formation. Therefore, no groundwater should be intercepted at any of the proposed quarry locations, and it appears that no dewatering should be needed for the quarrying operation.

The Minnekahta is considered to be a major aquifer in the Black Hills region and an important groundwater resource. The hardness of the Minnekahta formation water is high, but otherwise it is of good quality and meets drinking water standards. The outcrop area should still be protected from the infiltration of contamination from the surface by having a Spill Prevention, Control and Countermeasure Plan in place and proper containment around tanks, vehicle fueling areas, and equipment maintenance areas around the quarry.

#### General Comments

DEIS pages S-9 and 23 list areas where surface outcrop locations of the Minnekahta limestone occur as shown on Figures S-2 (DEIS page 14) and 2-1 (DEIS page 24). The purpose of showing the outcrop locations is to indicate the potential location of the limestone quarry. The DEIS states that the areas indicated illustrate where the outcrop of the Minnekahta Limestone is located and quarrying limestone is feasible in relationship to the GCC Dacotah controlled mineral rights. These location lists include Section 21 of Township 5 South, Range 2 East. However, no surface outcrops of the Minnekahta Limestone are shown in Section 21 in Figures S-2 and 2-1. Most likely there are surface outcrops of the Minnekahta located in Sections 21 and

28, but the green hatched pattern indicating outcrop locations is truncated at the Forest Service property boundary. Since GCC Dacotah has no near-term intention of quarrying the Minnekahta on federal lands, Section 21 is not a potential area where the quarry could be located and should be removed from both location lists.

On page 50 of the DEIS, the second sentence in the first paragraph of Section 3.5.4 states "Limestone mining operations are proposed to take place exclusively in the Paleozoic age Minnikata Limestone and may involve local stripping of the immediately overlying basil portion of the Opeche Formation red-beds." It should be noted that the Opeche Formation lies under the Minnekahta Limestone and not above; the Spearfish Formation lies above the Minnekahta Limestone.

In general, EPA appreciated the frequent use of maps throughout the DEIS. Having such quality visual guides greatly assisted in EPA's review of the document, and surely benefited the public in its understanding of the project area.